

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE: GENERAL MOTORS
AIR CONDITIONING MARKETING
AND SALES PRACTICES
LITIGATION

Case Number: 18-md-02818

_____ / Hon. Matthew F. Leitman

ALL CASES

_____ /

**ORDER TERMINATING DEFENDANTS'
MOTION TO DISMISS (ECF No. 71) WITHOUT PREJUDICE**

In this putative consolidated class action, Plaintiffs allege that the air conditioning systems of vehicles manufactured by Defendant General Motors (“GM”) are defective. On January 31, 2020, GM filed a motion to dismiss Count II of Plaintiffs’ First Amended Consolidated Master Class Action Complaint (the “First CMAC”). (*See* Mot., ECF No. 71.)

The Court held a hearing on GM’s motion to dismiss Count II of the First CMAC on May 28, 2020. (*See* 5/28/2020 Hr’g Tr., ECF No. 80.) At the conclusion of the hearing, counsel for Plaintiffs said that if the Court was inclined to dismiss that claim on the ground that no named Plaintiff has standing to pursue the claim under Michigan law, then Plaintiffs “would want to substitute in a class representative that could support [that claim].” (*Id.* at 30, PageID.3072.)

On July 1, 2020, the Court entered an order in which it granted Plaintiffs leave to file a Second Amended Consolidated Master Class Action Complaint (the “Second CMAC”). The Court explained that it was granting leave so that Plaintiffs could add “a new named plaintiff who has standing to assert a breach of implied warranty claim under Michigan law and who [would] serve as the named plaintiff for purposes of that nationwide class claim.” (Order, ECF No. 83, PageID.3283.) The Court also told GM that if Plaintiffs did file a Second CMAC, the Court would “terminate GM’s currently pending motion to dismiss as moot.” (*Id.*, PageID.3283-3284.)

Plaintiffs filed the Second CMAC on August 14, 2020. (*See* Second CMAC, ECF No. 85.) Accordingly, pursuant to the Court’s July 1, 2020, order, GM’s motion to dismiss Count II of the First CMAC (ECF No. 71) is **TERMINATED WITHOUT PREJUDICE AS MOOT.**

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: October 30, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 30, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764